

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS LUCA JR., individually and on behalf of
all others similarly situated,

Plaintiff,

v.

WYNDHAM WORLDWIDE CORPORATION,
WYNDHAM HOTEL GROUP, LLC, WYNDHAM
HOTELS AND RESORTS, LLC, and WYNDHAM
HOTEL MANAGEMENT, INC.,

Defendants.

Civil No. 2:16-cv-00746 (MRH)

Electronically Filed and Served

**DEFENDANTS WYNDHAM HOTEL GROUP, LLC, AND WYNDHAM HOTELS
AND RESORTS, LLC'S MOTION TO DISMISS**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, defendants Wyndham Hotel Group, LLC, and Wyndham Hotels and Resorts, LLC, move to dismiss this action on the grounds that the plaintiff has failed to establish subject matter jurisdiction and has failed to state a claim on which relief can be granted. In support, the Court is respectfully referred to the memorandum of points and authorities filed concurrently with this motion.

Dated: August 15, 2016

Respectfully submitted,

/s/ K. Winn Allen

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CERTIFICATE OF SERVICE

I certify that on August 15, 2016, I electronically filed the foregoing with the Clerk of this Court by using the CM/ECF system, which will accomplish service through the Notice of Electronic Filing for parties and attorneys who are Filing Users.

/s/ K. Winn Allen

K. Winn Allen